



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of: **Stamm et al**

Application No. **09/899,026**

Group Art Unit: **1615**

Filed: **July 6, 2001**

Examiner: **Sheikh**

For: **FENOFIBRATE PHARMACEUTICAL COMPOSITION HAVING HIGH BIOAVAILABILITY AND METHOD FOR PREPARING IT**

Attorney Docket No: 107664.115US3

Commissioner for Patents

PO Box 1450

Alexandria, VA 22313-1450

INFORMATION DISCLOSURE STATEMENT

Pursuant to 37 C.F.R. §§ 1.56, 1.97 and 1.98, Applicants bring to the attention of the Examiner the documents listed on the attached PTO-1449 Form.

Applicants also bring to the Examiner's attention the following litigations which involve one or more patents (e.g., one or more of US Patent Nos. 6,074,670, 6,277,405, 6,589,552, 6,652,881) to which the present application claims priority and/or is related:

1. *Abbott Laboratories et al v. Impax Laboratories*,
Delaware Court, Docket No. 1:04cv48.
2. *Abbott Laboratories et al v. Teva Pharmaceuticals*,
Delaware Court, Docket No. 1:04cv47.
3. *Abbott Laboratories et al v. Impax Laboratories*,
Delaware Court, Docket No. 1:03cv890.
4. *Abbott Laboratories v. Teva Pharmaceuticals*,
Delaware Court, Docket No. 1:03cv847.
5. *Abbott Laboratories v. Ranbaxy Pharmaceutic et al*,
New Jersey Court, Docket No. 3:03cv4067.
6. *Abbott Laboratories et al v. Ranbaxy Pharmaceutic et al*,
New Jersey Court, Docket No. 2:03cv2170.
7. *Abbott Laboratories et al v. Impax Laboratories*,
Delaware Court, Docket No. 1:03cv288.

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8. *Abbott Laboratories et al, v. Par Pharmaceutical,*
New Jersey Court, Docket No. 2:03cv809.
9. *Abbott Laboratories et al v. Impax Laboratories,*
Delaware Court, Docket No. 1:03cv120.
10. *Abbott Laboratories et al v. Teva Pharmaceuticals,*
Delaware Court, Docket No. 1:02cv1512.

The submission of this Information Disclosure Statement does not represent that a search has been made and does not constitute an admission that the listed documents and/or litigations are material to patentability or that the listed documents are prior art.

A copy of each of the documents listed on the PTO-1449 Form is submitted herewith. With respect to the references cited in the PTO-1449 Form, Applicants note that EP 256 933 is equivalent to US Patent No. 4,800,079 (which is of record in the pending application); EP 330 532 is equivalent to US Patent No. 4,895,726 (which is of record in the pending application); and EP 761 208 is equivalent to US Patent No. 5,776,495 (which is of record in the pending application). WO 96/01621 is cited and discussed in the specification at page 4, lines 15-32. WO 98/31361 and EP 0 952 829 B1 are the PCT application and European patent, respectively, which correspond to the present application and/or one or more patents and/or applications to which the present application claims priority and/or is related.

The Commissioner is authorized to charge the fee of \$180 for consideration of this Information Disclosure Statement to Deposit Account No. 08-0219.

Applicants respectfully request that the Examiner initial and return a copy of the enclosed PTO-1449 Form with the next communication from the Patent Office.

Respectfully submitted,

Edward D. Grief
Registration No. 38,898

Date: March 30, 2004
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Complete if Known

Application Number	09/899,026
Filing Date	July 6, 2001
First Named Inventor	Stamm
Art Unit	1615
Examiner Name	Sheikh
Attorney Docket Number	107664.115US3

(Use as many sheets as necessary)

Sheet	1	of	2
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FOREIGN PATENT DOCUMENTS						
Examiner Initials*	Cite No. ¹	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages Or Relevant Figures Appear	T ⁶
		Country Code ³ -Number ⁴ -Kind Code ⁵ (if known)				
		EP 0 952 829 B1	03-05-2003	Stamm et al		
		EP 0 761 208 A1	03-12-1997	Duclos et al		
		WO 98/31361	07-23-1998	Stamm et al		
		WO 96/01621	01-25-1996	Stubberud et al		
		WO 82/01649	05-27-1982	Laruelle		

Examiner
Signature

Date	
Considered	

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. ¹ Applicant's unique citation designation number (optional). ² See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04. ³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. ⁶ Applicant is to place a check mark here if English language Translation is attached.

This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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Substitute for form 1449/PTO

Complete if Known**INFORMATION DISCLOSURE
STATEMENT BY APPLICANT**

(Use as many sheets as necessary)

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NON PATENT LITERATURE DOCUMENTS

Examiner Initials*	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ²
		Opposition to EP 0 952 829 (December 11, 2003) (English language translation).	✓
		Opposition to EP 0 952 829 (December 11, 2003) (original French language document).	
		Handbook of Pharmaceutical Excipients, Second Edition, pages 392-399 (1994).	

Examiner
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*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

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